

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 33475

Patricia D. Hamilton

9 Powderrock Place

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 5, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, failure to remove trash and debris; section 13-7-312, failure to remove accumulations of debris, materials, etc. on residential property zoned DR 5.5 known as 9 Powderrock Place, 21236.

On July 22, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Adam Whitlock issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,500.00 (two thousand five hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 15, 2009 for removal of trash and debris from this residential property. This Citation was issued on July 22, 2009.

B. Photographs in the file dated July 15, 2009, July 21, 2009 and August 3, 2009 all show approximately seven large cardboard boxes and one plastic storage box stacked outside on the front porch and steps of this row townhouse, exposed to the weather and rain. The boxes appear to contain paper and personal property, and one box is on top of a small appliance or piece of office equipment.

C. This violates prohibitions against the accumulation of junk and debris on residential property, and prohibitions against the creation of possible harborage for rats.

D. Because Respondent has a long history of noncompliance with code requirements and with County notices, going back at least to 2001, this Final Order will include authorization for removal of the junk and debris, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if Respondent removes all junk and debris from the porch and yard, including all boxes and storage boxes, by August 18, 2009. If Respondent fails to correct the violations by that date, the full civil penalty shall be imposed.

IT IS FURTHER ORDERED that after August 18, 2009, the County may enter the property for the purpose of removing all junk, trash and debris from the porch and yard, including the boxes and equipment stacked on the porch and steps, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer